

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

RK/dmd

Mailed: December 22, 2009

Opposition Nos. 91172407
→ 91172408

The Procter & Gamble Company

v.

Quality Brands LLC

Yong Oh (Richard) Kim, Interlocutory Attorney:

On November 14, 2009, the Board issued an order allowing opposer twenty days in which to file a response to applicant's request to restore the full identification of goods to application Serial Nos. 78549695 and 78541528, failing which the Board would grant the request as uncontested.

By way of background, on August 13, 2008, the Board acknowledged applicant's unconsented amendments (filed May 21, 2008) to application Serial Nos. 78549695 and 78541528 and allowed opposer thirty days to file its written consent to the amendments of the involved application, failing which, entry of the amendment would be deferred until final decision. On the same day, opposer filed its written consent and the Board entered the amendments into the record of the applications. On August 19, 2008, applicant filed a response to opposer's consent and opposer filed its reply on September 2, 2008.

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On October 8, 2008, the Board addressed the issues contained therein and determined that applicant's motion to amend the applications would be deferred until final decision or until the case was decided upon summary judgment.

Subsequently, on November 18, 2008, opposer filed a withdrawal of the opposition proceedings and on November 25, 2008, the Board accordingly dismissed the oppositions with prejudice and forwarded the applications to issuance of notices of allowance. Notices of allowances issued in both of the applications but were subsequently cancelled.

In view of the foregoing, and inasmuch as opposer failed to respond to the Board's November 14, 2009 order, applicant's request to restore the identifications in the involved applications is hereby **GRANTED**. Accordingly, the original full identifications of goods to application Serial Nos. 78549695 and 78541528 have been restored in International Class 3 as follows:

Serial No. 78549695

"Body wash, exfoliating body scrub, soap, shampoo, hair conditioner, personal deodorant, after shave lotion, skin cream, facial cleansing lotion, skin moisturizer, body powder, bath oil, bubble bath, and cosmetics"

Serial No. 78541528

"Soap, shampoo, hair conditioner, personal deodorant, shave lotion, skin cream, facial cleansing lotion, skin moisturizer, body powder, bath oil, bubble bath, and cosmetics"

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Application Serial Nos. 78549695 and 78541528 will be forwarded for issuance of a notice of allowance in due course.

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